

IN THE UNITED STATES DISTRICT
COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA §
 §
 §
VS. § CRIMINAL NO. H-19-CR-832-1
 §
GERALD M. GOINES §
 §

MOTION FOR DISCLOSURE OF EXCULPATORY EVIDENCE

TO THE HONORABLE JUDGE GEORGE HANKS:

COMES NOW, Gerald M. Goines, Defendant, by and through his attorney of record, and moves this Honorable Court, to order the Government to reveal to him any evidence that is exculpatory as to him and any evidence that could lead to evidence that is exculpatory to him.

I.

For purposes of this Motion, Defendant would submit the following would be exculpatory:

1. Any evidence that tends to show that the Defendant did not commit the acts alleged in the indictment.
2. Any evidence that tends to show that the Defendant committed the acts alleged in the indictment in some manner other than in the manner alleged.

3. Any evidence that would be in conflict or contradictory with the evidence the Government intends to introduce.
4. Any inconsistent statements made any time, by any government witness, informant or agent, concerning the involvement of this Defendant or any of the defendants in the acts alleged in the indictment.
5. Any physical evidence that is inconsistent with the Defendant's guilt.
6. Any evidence that could be used to impeach the Government's witnesses in this case.
7. Any evidence that may tend to show that the Defendant did not have the intent to commit the crimes.
8. Any evidence that the Defendant relies upon others in determining the legality of his acts.
9. Any other evidence that is in any way exculpatory to the defendant or in any way could raise a reasonable doubt as to his guilt.

II.

Defendant would request that the Government's attorneys be ordered to examine their files and to question the Government's agents, informants or other persons working with the Government in this case, as to their knowledge of any such evidence or materials. Defendant would further request that he be allowed to

question the Government's attorney and the Government's agents concerning their knowledge of exculpatory evidence and diligence in attempting to locate such evidence.

WEREFORE PREMISES CONSIDERED, Defendant respectfully prays this Motion be granted.

Respectfully submitted,

/s/ Nicole DeBorde
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Attorney for Defendant,
GERALD M. GOINES

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion has been delivered to AUSA Alamdar Hamdani via email (Alamdar.Hamdani@usdoj.gov) on this the 9th day of December 2019.

/s/ Nicole DeBorde
NICOLE DEBORDE

CERTIFICATE OF CONFERENCE

On December 4, 2019 counsel for Defendant conferred with AUSA Alamdar Hamdani and he indicated he was opposed because he believed the motion was not necessary as he indicated he will honor his obligations to turn over this type of evidence to the defense.

/s/ Nicole DeBorde
NICOLE DEBORDE